

**STATE OF RHODE ISLAND  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

**PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

**TRANSPORTATION SAFETY**

This amended rule updates processes for transporting children and youth in the care of the Department to reflect changes made by the General Assembly as to the use of restraint systems. In the amendment of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons may submit written comments by April 2, 2012 to Susan Bowler, Implementation Director for Policy and Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 ([Susan.Bowler@dcyf.ri.gov](mailto:Susan.Bowler@dcyf.ri.gov)).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

# Transportation Safety

Rhode Island Department of Children, Youth and Families

**Policy: 100.0110**

**Effective Date: August 1, 1985**

**Revised Date: January 22, 2002**

**Version: 45**

The Department ~~will make~~ every effort to ensure the safety of staff and the children and families ~~we served~~ during ~~the course of~~ Departmental transportation. Department staff and staff of service providers are required to conform at all times with

Rhode Island General Law ~~(RIGL)~~ 31-22-22, which mandates that all motor vehicle operators and passengers wear safety belts or be properly restrained in federally approved restraint systems. ~~Certain seating positions and uses of safety belts or restraint systems are~~ determined by the age, height and weight of the ~~passenger.~~ passenger. ~~The Department staff and provider takes a proactive stance regarding child safety and requires enhancements to the minimum legal mandates. In addition also to protect ensuring the health and safety of children and youth during transports by ensuring appropriate supervision, securing the vehicle, reporting any run away and complying with law and regulations regarding safety, any person transporting a child in care of the Department maintains confidentiality in compliance with DCYF Policy 100.0000, Confidentiality.~~

- ~~Child under the age of seven, less than fifty-four (54) inches in height and less than eighty (80) pounds, must be transported in the back seat of the vehicle in a child restraint system appropriate for child's age and size.~~
- ~~Child under the age of seven, but at least fifty-four (54) inches in height or at least eighty (80) pounds, must be transported in the back seat of the vehicle in a child restraint system appropriate for child's age and size or properly wearing a safety belt and/or shoulder harness.~~

~~The Department takes a proactive stance regarding child safety and requires the following enhancements to the minimum legal mandates.~~

- ~~Child between the ages of seven and thirteen must be transported in the back seat of the vehicle, properly wearing a safety belt and/or shoulder harness, unless all seats in the rear are already occupied by other children.~~

~~In addition to seat belt and child passenger restraint usage, Department policy requires the following to ensure the safety and confidentiality of the children and families receiving DCYF services.~~

- ~~Child must never be left alone in an automobile.~~
- ~~Staff transporting child must receive the child directly from and return the child directly to caretaker unless a different plan has been agreed upon by worker and caretaker.~~
- ~~Staff must immediately notify the local police department if a child or youth runs away while being transported.~~
- ~~Staff must not be accompanied by family members or friends.~~
- ~~Smoking is prohibited in State vehicles used by DCYF staff.~~

**Related Procedure---**

**Transportation Safety**

**Related Policy---**

Confidentiality

# Transportation Safety

## Procedure ~~From~~ Policy 100.0110: Transportation Safety

- A. Departmental staff and contracted providers ~~comply with state law and policy~~ must follow the procedures relating to the use of seat belts and child restraint systems ~~listed below~~ during all transports:
1. All Departmental and contracted provider staff ~~employees are required to~~ use safety belts at all times.
  2. All passengers riding in any vehicle operated by Department staff ~~employee or contracted providers of DCYF~~ the Department ~~are required to~~ wear safety belts or ~~are be~~ properly restrained in approved child restraint systems.
  3. ~~S~~Certain seating positions and uses of safety belts or restraint systems are determined by the age, height and weight of the passenger.
    - a. Child (ren) under the age of seventeen, less than fifty-four (54) 57 inches in height and less than eighty (80) pounds, must be transported in the back seat of the vehicle in a child restraint system appropriate for child's age and size.
    - b. Child (ren) under the age of seventeen, but at least fifty-four (54) 57 inches in height or at least eighty (80) pounds, must be transported in the back seat of the vehicle in a child restraint system appropriate for child's age and size or properly wearing a safety belt and/or shoulder harness.
    - c. Child (ren) ~~between the ages of seven and age~~ thirteen and under must be transported in the back seat of the vehicle, unless other children already occupy all seats in the rear. Child (ren) must be wearing a safety belt and/or shoulder harness.
    - d. Youth thirteen years of age or older may ~~sit~~ be in the front or back seat and must properly wearing a safety belt and/or shoulder harness.
  - 3.4. The following exceptions to 1 and 2 above apply:
    - a. ~~Possession of written verification from a licensed physician that the Department or provider staff~~ employee or passenger is unable to use a seat belt for physical or medical reasons.
    - b. a. ~~Passenger motor vehicles manufactured before July 1, 1966.~~
    - c. b. ~~Motor vehicles not required by federal law to have seat belts.~~
- B. Departmental staff and contracted providers ~~must~~ follow procedures listed below to ensure the safety and confidentiality of the children and families receiving Department DCYF services ~~from the Department~~:
1. ~~A Child should is never never be left alone in an automobile.~~
  - a. ~~Staff should never leaves a~~ any child in DCYF care, regardless of age, is never left alone in an automobile.
  - b. 1. ~~State law (RIGL 31-22-22.1) authorizes law enforcement officers to provide a verbal warning to any person who leaves a child under the age of seven unattended in a motor vehicle to inform that person of the dangers of this practice.~~
  2. ~~The cStaff transporting child is~~ must received the child directly from and returned the child directly to his/her caretaker ~~caretaker~~ unless primary service worker and placement provider ~~caretaker~~ have identified and agreed upon ~~a an alternative, appropriate adult~~ different plan.
  3. ~~A Staff should ensures that a~~ all doors are locked before the transport begins.
  4. Transporting s ~~Staff~~ must immediately notifies the local police department if a child or youth runs away while being transported.
    - a. During standard working hours, notification must be made to the primary service worker and/or supervisor.

- b. During non-standard working hours, notification ~~must be~~ made to Child Protective Services~~the Call Floor~~.

~~5.5. Staff should not be accompanied by family~~ Family members or friends do not accompany staff while transporting clients or while involved in agency business at designated client locations because of liability and confidentiality issues.

~~6. Smoking is prohibited in any~~ State vehicles ~~s~~ used by DCYF Department staff or contracted providers to transport children.

~~6.~~